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The Official Action of October 19, 2001 has been thoroughly studied. Accordingly, the changes presented herein for the application, considered together with the following remarks, are believed to be sufficient to place the application into condition for allowance.

By the present amendment the recitation of the "...thermoplastic synthetic fibers being....as fine as..." in claim 9 has been changed to the "...thermoplastic synthetic fibers....having a fineness of..."

This change is believed to more clearly recite applicants' invention and has been made in response to the rejection of claim 9 under 35 U.S.C. §112, second paragraph.

Entry of the changes to claim 9 is respectfully requested.

On page 1 of the Official Action the Examiner has rejected claims 11 and 12 under 35 U.S.C. §112, first paragraph.

Under this rejection the Examiner has taken the position that the original specification does not provide for support for:

- 1) The recitation in claim 11 that the plurality of protuberances has a water absorbability that is substantially equal to a water absorbability of areas between the plurality of protuberances; and
- 2) The recitation in claim 12 that the nonwoven fabric has a cross section in the form of undulations which continue in at least one direction of the nonwoven fabric.

The Examiner's attention is directed to the description of how applicants' nonwoven fabric is made and particularly to the paragraph bridging pages 9 and 10 in which it is disclosed that

applicants' fabric is "relatively isotropic." By definition, "isotropic" refers to a material that exhibits properties with the same values in all directions.

Thus, the recitation in claim 11 that the plurality of protuberances has a water absorbability that is substantially equal to a water absorbability of areas between the plurality of protuberances, is believed to be supported by the original specification.

With regard to the limitations of claim 12, the Examiner is again referred to the general disclosure as to how applicants' nonwoven fabric is made and Figure 2 which depicts the undulations.

As held by the Federal Circuit in *In re Wright* (9 USPQ 2d 1649 (Fed. Cir. 1989)):

The claimed subject matter need not be described in *haec verba* in the specification for the specification to satisfy the description requirement. The specification as originally filed must convey clearly to those skilled in the art the information that the applicant has invented the specific subject matter later claimed.

As held by the court of appeals in *In re Anderson* (176 USPQ 331 (CCPA 1973)):

In determining whether an amendment to a claim constituted new matter, the question is not whether the added word was a word used in the specification as filed, but whether there is support in the specification for employment of the word in the claim, i.e., whether the concept is present in the specification. (underlining added).

It is submitted that applicants' original specification sufficiently conveys, discloses and supports the limitations of claims 11 and 12, and the outstanding rejection of these claims should properly be withdrawn.

Favorable reconsideration by the Examiner is requested.

Claim 9 stands rejected under 35 U.S.C. §112, second paragraph.

Under this rejection the Examiner took the position that the recitation "as fine as about 0.1 to 0.9 d" was indefinite.

As pointed out *supra*, in response to this rejection, the recitation of the "...thermoplastic synthetic fibers being....as fine as..." in claim 9 has been changed to the "...thermoplastic synthetic fibers....having a fineness of..."

This change is believed to address and overcome the outstanding rejection of claim 9.

Claims 1-3 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,100,324 to Anderson et al.

Claims 9-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson et al.

Anderson et al. teaches a composite web that may be embossed either ultrasonically or at an elevated temperature so that the thermoplastic microfibers are flattened into a film-like structure.

The film-like structure has opposed planar surfaces so that when embossed, the final cross-sectional shape has flat opposed surfaces with flat recessed areas as depicted in Fig. 4 of Anderson et al.

The peaked curved shape of the protuberances of the present invention provides for point contact when the nonwoven fabric is used to clean or wipe a surface.

In contrast, Anderson et al.'s nonwoven fabric would provide flat contact areas when the nonwoven fabric is used to clean or wipe a surface.

In addition to providing flat surface contact areas, Anderson et al. includes embossed areas 43 which would necessarily have extremely poor or at least limited water absorbability due to the manner in which the embossed areas 43 are formed by an intense web calendaring action.

Attached for the Examiner's review (as "Exhibit A") is a sheet of drawings which includes a cross-sectional view of the nonwoven fabric of the present invention and a cross-sectional view

of the nonwoven fabric of Anderson et al. that has been produced by joining multiple copies of Anderson et al.'s Fig. 4.

These cross-sectional views emphasize and demonstrate the structural differences between Anderson et al. and the present invention.

As the Examiner will note, applicants' protuberances form undulations which define the cross-sectional shape of the fabric.

In contrast, Anderson et al.'s nonwoven fabric is planar with spaced apart flattened areas 43.

The structural differences become clear upon comparing the cross-sectional views on the attached sheet of drawings.

Upon the Examiner's request, applicants would be happy to include the cross-sectional view of their nonwoven fabric as an additional figure in the present application.

In addition to the structural differences pointed out above, applicants note that in further contrast to Anderson et al., applicants' nonwoven fabric has a substantially uniform water absorbability throughout the protuberances and areas in between due to the manner in which the fabric and protuberances are formed, i.e. without fusing or melting the thermoplastic synthetic fibers.

Because Anderson et al. discloses that flattened areas 43 are formed by melting and fusing the thermoplastic synthetic fibers, the resulting nonwoven fabric would **not** have a substantially uniform water absorbability throughout the fused and nonfused areas.

It is noted that in the process schematically depicted in Anderson et al., the web 34 would be substantially flat as it leaves rolls 30 and 31. This substantially flat web would remain substantially flat after leaving calendering head 40. The only structural change that occurs is that flattened areas 43 are intermittently formed in the substantially flat web.

It is important for the Examiner to keep in mind that Anderson et al. is concerned with strengthening the nonwoven fabric by incorporating therein the fused, flattened areas. This manner of proceeding involves trade-offs such as the structural differences and nonuniformity of water absorbability, which distinguishes the present invention over Anderson et al.

Based upon the above distinctions between Anderson et al. and the present invention, and the overall teachings of Anderson et al. properly considered as a whole, it is respectfully submitted that the Examiner cannot properly rely upon Anderson et al. reference as required under 35 U.S.C. §102 to show anticipation of applicants' claimed invention. Moreover, it is submitted that the Examiner cannot properly rely upon Anderson et al. as required under 35 U.S.C. §103 to establish a *prima facie* case of obviousness of applicants' claimed invention.

It is, therefore, submitted that any reliance upon Anderson et al. would be improper inasmuch as this reference does not remotely anticipate, teach, suggest or render obvious the present invention.

It is submitted that the claims, as now amended, and the discussion contained herein clearly show that the claimed invention is novel and neither anticipated nor obvious over the teachings of Anderson et al. and the outstanding rejections should hence be withdrawn.

Therefore, reconsideration of the outstanding rejections and an early allowance of the claims is believed to be in order.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

If upon consideration of the above, the Examiner should feel that there remains outstanding issues in the present application that could be resolved, the Examiner is invited to contact applicants' patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 02-0385 and please credit any excess fees to such deposit account.

Respectfully submitted,



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Marked-Up Copy of Amendments  
Made to Claims as of January 22, 2002

9. (Amended) A nonwoven fabric containing thermoplastic microfibers, said nonwoven fabric comprising:

thermoplastic synthetic fibers being about 5 to about 30 mm long and [as fine as] having a fineness of about 0.1 to 0.8 d, in about 90 to 10% [be] by weight, mixed and mechanically entangled with pulp fibers being about 2 to 7 mm long, in about 10 to 90% by weight, so as to have a basis weight of about 10 to 80 g/m<sup>2</sup> as a whole,

said fabric being in the form of a sheet having a plurality of protuberances that project from a surface of the sheet, said protuberances having curved peaks.

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